

# INTERVENTION



0000035834

RECEIVED

2001 NOV -5 P 4:19

AZ CORP COMMISSION  
DOCUMENT CONTROL

1 ARIZONA COMPETITIVE POWER ALLIANCE

2 Greg Patterson

245 West Roosevelt

Phoenix, Arizona 85003

3 Telephone: (602) 229-1010

Arizona Corporation Commission

DOCKETED

NOV 05 2001

DOCKETED BY

*rac*

BEFORE THE ARIZONA CORPORATION COMMISSION

10  
11 IN THE MATTER OF THE ARIZONA  
12 PUBLIC SERVICE COMPANY'S  
13 REQUEST FOR A VARIANCE OF  
14 CERTAIN REQUIREMENTS OF A.C.C.  
15 R14-2-1606

Docket No. E-01345A-01-0822

APPLICATION OF ARIZONA  
COMPETITIVE POWER ALLIANCE FOR  
LEAVE TO INTERVENE

15 Pursuant to A.A.C. R14-3-105, Arizona Competitive Power Alliance (the "Alliance")  
16 hereby moves the Commission for leave to intervene in the above-captioned proceeding.

17 The Alliance consists of electric power generators in wholesale and retail markets across  
18 the United States, including Arizona, who support the development of a competitive market for  
19 power in Arizona. The Alliance supports a truly competitive market structure through which new  
20 service providers will be able to enter local electric power markets and compete for wholesale and  
21 retail customers, providing consumers the right to choose their electricity supplier. More choice  
22 leads to lower rates and better service. The Alliance exists to ensure that Arizona's laws and  
23 regulations, among other things: 1) minimize inherent advantages afforded incumbent utility  
24 providers; 2) require that utilities provide competitive energy services through structurally  
25 separate affiliates; and 3) generally promote competition for competitive electric power products.  
26

1 In pursuance of the above-referenced goals, the Alliance supports the Commission's  
2 Retail Electric Competition Rules, A.A.C. R14-2-201 *et seq.* ("Electric Competition Rules"),  
3 including, specifically, R14-2-1606(B). Indeed, in reliance on the Commission's Rules, the  
4 member companies of the Alliance have spent over one billion dollars to date, and are prepared to  
5 spend billions of additional dollars in plants, generating equipment, and the enhancement of  
6 transmission infrastructure in the state in order to implement those Rules.

7 In addition, because it furthers the goals of the Alliance, the Alliance supports this  
8 Commission's Decision No. 61973 (the "Decision"), which Decision approved that Settlement  
9 Agreement dated May 14, 1999, as amended, between Arizona Public Service Company ("APS")  
10 and various parties (the "Settlement Agreement"). The Settlement Agreement specifically  
11 provides that "APS shall procure generation for Standard Offer customers from the competitive  
12 market as provided for in the Electric Competition Rules." See Addendum to Settlement  
13 Agreement, ¶ 5.4.1(3)). The members of the Alliance directly benefit from the diligent  
14 enforcement of the Electric Competition Rules and the various parties' performance under the  
15 Decision and the Settlement Agreement.

16 Accordingly, the Alliance will be directly and substantially affected by any decision of the  
17 Commission in these proceedings. Moreover, the granting of intervenor status to the Alliance will  
18 not unduly delay the proceedings or cause the issues to be unduly broadened.


19 The Alliance requests that all communications in connection with the above-captioned  
20 proceedings be directed to:

21 Greg Patterson  
22 Arizona Competitive Power Alliance  
23 245 West Roosevelt  
24 Phoenix, Arizona 85003  
25 Telephone: (602) 229-1010  
26

1 For the reasons discussed above, the Alliance respectfully requests that it be granted leave  
2 to intervene in these proceedings, and that the Alliance be accorded the full status of an intervenor  
3 under the Commission's rules and regulations.

4 DATED this 5<sup>th</sup> day of November, 2001.

5 ARIZONA COMPETITIVE POWER  
6 ALLIANCE

7  
8 By   
9 Greg Patterson

10  
11 Original and 10 copies  
12 hand-delivered this 5<sup>th</sup>  
day of November, 2001 to:

13 Docket Control  
14 Arizona Corporation Commission  
1200 W. Washington St.  
15 Phoenix, AZ 85007

16 Copy of the foregoing  
17 hand-delivered this 5<sup>th</sup>  
day of November, 2001 to:

18 Lyn Farmer  
19 Chief Administrative Law Judge  
Hearing Division  
20 Arizona Corporation Commission  
1200 W. Washington St.  
Phoenix, AZ 85007

21 Chris Kempley, Chief Counsel  
22 Legal Division  
23 Arizona Corporation Commission  
1200 W. Washington St.  
Phoenix, AZ 85007

24  
25 And a copy mailed this 5<sup>th</sup> day  
26 of November, 2001, to:

1 Thomas L. Mumaw, Esq.  
2 Jeffrey B. Guldner, Esq.  
3 Snell & Wilmer  
4 One Arizona Center  
5 Phoenix, Arizona 85004-2202  
6 Attorneys for APS

7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
By 